

BOARD OF SUPERVISORS

MINUTES

November 12, 2003

Supervisors in Attendance:

Mr. Arthur S. Warren, Chairman
Mr. J. L. McHale, III, Vice Chrm.
Mr. Edward B. Barber
Mrs. Renny B. Humphrey
Mr. Kelly E. Miller

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Craig Bryant, Dir.,
Utilities
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. William Dupler,
Building Official
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Joseph Horbal,
Commissioner of Revenue
Mr. Thomas E. Jacobson,
Dir., Planning
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Mary Lou Lyle, Dir.,
Accounting
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Mr. Stanley Newcomb,
Principal Engineer,
Transportation Dept.
Mr. Francis Pitaro, Dir.,
General Services
Lt. Col. Dennis Proffitt,
Sheriff's Office
Ms. Karen F. Russell,
Risk Manager
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services

Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office

1. EMPLOYEE APPRECIATION DAY EVENT

Board members attended an Employee Appreciation Day event on the grounds of the Historic Courthouse, and each Board member provided words of appreciation to employees for their outstanding efforts during and following Hurricane Isabel.

2. RECESS TO THE PUBLIC MEETING ROOM

Mr. Warren called the regularly scheduled meeting to order at 4:10 p.m.

3. APPROVAL OF MINUTES FOR OCTOBER 22, 2003

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved the minutes of October 22, 2003, as submitted.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

4. COUNTY ADMINISTRATOR'S COMMENTS

4.A. THE OUTLINE OF A REPORT ON MTBE

Ms. Joan Salvati, Water Quality Administrator, reviewed the outline of a proposed report on Methyl Tertiary-Butyl Ether (MtBE) in Chesterfield County, including an introduction and background information; Environmental Protection Agency (EPA) data relative to the Unregulated Contaminant Monitoring Rule (UCMR); a comparison of MtBE levels in both the Swift Creek and Lake Chesdin Reservoirs with national data; a summary of the EPA Risk Assessment; status of Congressional action relative to MtBE and EPA regulation; and a summary and recommendation for further action relative to regulation of the substance. She stated, at Mr. Miller's request, staff has researched incidents of MtBE in bottom sediments and found that MtBE is highly soluble in water, and very little of it settles in the soils. She further stated, of all the MtBE found in various environmental media, only one-half of one percent was found in the soil sediments; 46 percent was found in the water column; and the balance is ambient.

Mr. Warren stated Mr. Dick Page had just provided him with information relative to a New York law firm that specializes in health risks associated with MtBE in drinking water.

Discussion ensued relative to the molecular components of MtBE and how it breaks down into various media.

Mr. Warren called forward Mr. Page to provide details of MtBE breaking down to Formaldehyde in humans when ingested.

Mr. Page provided details of a study indicating that when MtBE contaminated water is ingested, the liver will convert it into Formaldehyde and Tertiary-Butyl Alcohol (TBA), which is difficult to eliminate from the body, and that when MtBE gets into the air, it is converted into Tertiary-Butyl Formate, which causes problems in the respiratory system. He expressed concerns relative to health risks involved with MtBE in the county's drinking water. He noted the National Park Service recently placed a ban on all two-cycle snowmobiles in parks to preserve wildlife and marine life, indicating they had already placed such a ban on personal watercraft.

Discussion ensued relative to the validity of the information provided by the New York law firm.

Mr. Page stated a DEQ employee provided him with this information.

Mr. Miller inquired whether Mr. Page feels the proposed report components presented by Ms. Salvati will satisfactorily address the issue.

Mr. Page stated he is not satisfied with anything EPA has ever done and will possibly do because too many people who have input into EPA decisions are tied directly to the petroleum industry. He further stated Lake Chesdin is an important resource for the region, and noted the county relied solely on Lake Chesdin for its water supply during Hurricane Isabel. He stated he feels a study should be made regarding the number of boats using Lake Chesdin and the percentage of fuel injected into the lake during a 12-month period.

When asked, Mr. Page stated the 18 states that have now banned two-cycle engines relied upon their own individual data because their drinking water was being contaminated. He further stated these states used a standard of 5 parts per billion or less of MtBE. He requested that the Board protect Lake Chesdin by banning two-cycle carbureted boats that put 30 percent of their fuel into the lake, which contains a minimum of 12 percent MtBE.

Mr. Barber stated he feels the Board should schedule a public hearing, if necessary, to discuss this issue.

Mr. Warren stated he feels the county should take a proactive approach to the issue, and indicated he would support a public hearing. He thanked Mr. Page for providing this information to the Board.

Mr. Miller stated he will support a public hearing.

Mrs. Humphrey stated she has read the report provided by Mr. Page and is concerned that MtBE metabolizes into TBA and Formaldehyde, indicating that she will support a public hearing.

Discussion ensued relative to a possible date for a public hearing regarding the issue.

Mr. Barber stated he feels the EPA risk assessment should be available prior to the public hearing.

Mr. Miller requested information regarding the data used by the 18 states that have banned two-cycle engines.

Mr. Warren requested that Ms. Salvati provide the Board with information regarding the number of boats using Lake Chesdin and the percentage of fuel injected into the lake during a 12-month period.

After brief discussion, on motion of Mr. Barber, seconded by Mr. Warren, the Board approved a public hearing date of February 11, 2004 to consider the effects of MtBE on the county's public water supply, so long as staff is prepared to respond to the EPA study.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

4.B. VIRGINIA PERFORMING ARTS FOUNDATION UPDATE

Mr. Bradford Armstrong, President and CEO of the Virginia Performing Arts Foundation, introduced Mr. Mike Watkins, Chairman, Greater Richmond Hotel/Motel Association, Mr. Larry Brown, President, School of the Performing Arts in the Richmond Community (SPARC), Mr. Jack Berry, President and CEO, Richmond Metropolitan Convention Center, and Mr. Bill Baxter, President of the Retail Merchants Association, who accompanied him in presenting a report on activities relative to the proposed Performing Arts Center. He stated the foundation has now reached \$42.8 million of its \$104 million goal. He provided data received from a survey of citizens regarding attendance at performing arts events in the region.

When asked, Mr. Armstrong stated he would provide the Board with data regarding the importance of performing arts education for children.

Mr. Mike Watkins, Chairman, Greater Richmond Hotel/Motel Association, provided details of a regional funding possibility for the Performing Arts Center, stating that approximately 70 percent of the members of the association support a one percent increase in the transient occupancy tax. He expressed concerns relative to the loss of room nights because of the conditions on Broad Street. He stated 70 percent of the one percent transient occupancy tax increase would help fund the Performing Arts Center and the remaining 30 percent would enhance marketing funds jointly controlled by the association and convention bureau to attract businesses to the Richmond area.

When asked, Mr. Watkins stated the association is soliciting the support of the City of Richmond, as well as Henrico, Hanover and Chesterfield Counties.

Mr. Ramsey stated the tax increase requires General Assembly action.

Mr. Watkins stated the association is requesting a resolution from the Board supporting the increased transient occupancy tax.

Mr. Barber requested that Mr. Ramsey closely monitor the other jurisdictions to see if such a resolution is adopted.

Mr. Miller expressed concerns relative to the 30 percent of the hotels/motels that do not support the proposal, indicating he feels the Board should hear from the smaller, independent hotels/motels before adopting the resolution. He inquired why other nearby jurisdictions are not included in the proposal.

Mr. Warren requested that Mr. Ramsey communicate with other localities relative to a consensus on an increased transient occupancy tax.

Mr. Larry Brown, President, School of the Performing Arts in the Richmond Community (SPARC), stated SPARC will have served over 1,200 students by the end of this year, one-third of which are from Chesterfield County. He provided details of the activities of SPARC, and requested that the Board help provide proper performing arts facilities for SPARC's programs by supporting an increase in the transient occupancy tax.

Mr. Armstrong stated he will provide the Board with data relative to who is impacted by the proposed transient occupancy tax.

Mr. Warren thanked the gentlemen for the presentation. He then recognized Ms. Judy Ford, Vice President of Development for Virginia Performing Arts Foundation, who was present at the meeting.

5. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

6. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. McHale, seconded by Mr. Barber, the Board added Item 10.C.1.b., Resolution Recognizing Mr. Johnny Oates by Naming the Varsity Baseball Field at L. C. Bird High School in His Honor; added Item 10.C.1.c., Resolution Recognizing Mr. Eddie N. Moore, Jr., President of Virginia State University for Ten Years of Outstanding Service; added Item 10.C.11.b., Conveyance of Easement to Columbia Gas of Virginia, Incorporated for the Cathodic Protection System; added Item 10.C.12.d.1., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Chesterfield-Colonial Heights Christmas Mother, Incorporated to Purchase Food, Toys and Clothing for Needy Families; added Item 10.C.12.d.2., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Parks and Recreation Department to Purchase Equipment and Landscaping Materials for the County-Owned "Lowes Soccer Complex"; added Item 10.C.12.d.3., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Henricus Foundation to Pay for Brochures and an Educational Exhibit at Henricus Park; added Item 10.C.12.d.4., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Industrial Development Authority for the Benefit of

The Friends of Chesterfield's Riverfront, Incorporated 1) to Develop Educational Programs with Chesterfield County Public Schools Concerning the James River Riverfront and 2) to Acquire Conservation and Greenways Easements for the James River Greenway from Falling Creek to Dutch Gap; added Item 10.C.12.d.5., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Chesterfield County Historical Society to Construct a 1781 Soldiers' Hut at Castlewood and to Purchase Educational Equipment to Further Virginia Standards of Learning ("SOL") on Revolutionary War; added Item 10.C.12.d.6., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Chesterfield County Library to Provide Library Materials to Support the Families First Initiative at the Chester and Enon Libraries; added Item 10.C.13., Recognition of Employees for Exemplary Service and Volunteerism During the Recent Hurricane Isabel Disaster by Revising the 2003 Holiday Schedule to Include an Additional Holiday; replaced Item 12.B., Reports on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds, and Lease Purchases; replaced Item 17.E., Public Hearing to Consider an Amendment to the Southern and Western Area Plan Relating to the Matoaca Village Plan Together with Related Zoning Ordinance Amendments; and adopted the Agenda, as amended.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

7. RESOLUTIONS AND SPECIAL RECOGNITIONS

O RECOGNIZING EFFORTS RELATED TO HURRICANE ISABEL

7.1. RECOGNIZING EMPLOYEES FOR THEIR EFFORTS

Ms. Cole introduced Ms. Lynda Price, Emergency Management Coordinator, and numerous county employees who were present for the recognition.

On motion of the Board, the following resolution was adopted:

WHEREAS, Hurricane Isabel struck Chesterfield County and the region on September 18, 2003, causing widespread destruction; and

WHEREAS, Chesterfield County employees staffed the county's Emergency Operations Center; formed debris-removal crews; operated shelters; distributed ice, food and water; directed traffic; patched rooftops; inspected homes and other structures and performed a myriad of other tasks, often under arduous and dangerous conditions, to assist the public; and

WHEREAS, many of these services were above and beyond what is normally expected of these local government employees; and

WHEREAS, these employees worked diligently, some for more than 24 consecutive hours without a break; and

WHEREAS, this work was performed even though these employees, in many cases, had family members who were coping with the storm without them so they could assist others; and

WHEREAS, many of these employees had homes that sustained damage that was ignored for days until citizens' needs were met first; and

WHEREAS, in their efforts, these employees clearly demonstrated their adherence to the county's strategic goal "To provide world-class customer service"; and

WHEREAS, many Chesterfield County residents have expressed to the Board of Supervisors and the county administrator their appreciation for the exemplary actions of Chesterfield County employees during and after Hurricane Isabel; and

WHEREAS, it is appropriate to commend publicly all those Chesterfield County employees who worked on behalf of our residents in dealing with the effects of this unprecedented natural disaster; and

WHEREAS, the extraordinary commitment to public service that was exhibited by Chesterfield County employees during and after Hurricane Isabel is something of which we all can be very proud.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors publicly recognizes November 12, 2003, as "Employee Appreciation Day" in Chesterfield County, to thank the many Chesterfield County employees for their exemplary efforts in assisting county residents and business owners in response to Hurricane Isabel, commends the employees for their commitment to serving the community, and extends its appreciation for their outstanding service.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren, accompanied by Mr. Ramsey and other Board members, presented the executed resolution to Ms. Price, accompanied by various county employees who played key roles in serving the community, and commended all county employees for their extraordinary efforts during and following Hurricane Isabel.

Mr. Warren introduced Ms. Nancy Finch, President of the Chesterfield Business Council (CBC) to make a presentation to county employees.

Ms. Finch read a resolution adopted by the CBC commending county employees for the assistance they provided to citizens and businesses during Hurricane Isabel.

Ms. Price expressed appreciation to the Board for the recognition and support, on behalf of all county employees.

Mr. Warren stated the Board has an important item on the Consent Agenda that he feels should be voted upon at this time.

10.C.13. RECOGNITION OF EMPLOYEES FOR EXEMPLARY SERVICE AND VOLUNTEERISM DURING THE RECENT HURRICANE ISABEL DISASTER BY REVISING THE 2003 HOLIDAY SCHEDULE TO INCLUDE AN ADDITIONAL HOLIDAY

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board revised the 2003 Holiday Schedule to include Friday, December 26, 2003, as an additional holiday.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

7.2. RECOGNIZING MS. ALYSON SMITH FOR OUTSTANDING COMMUNITY SUPPORT

Ms. Cole introduced Ms. Alyson Smith who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Hurricane Isabel struck the Greater Metropolitan Richmond region with her full fury on September 18, 2003; and

WHEREAS; beginning the previous day, Chesterfield County employees from many departments staffed the county's Emergency Operations Center (EOC) in the basement of the main administration building; and

WHEREAS, the EOC was the nerve center from which staff managed the county's multi-faceted response to the hurricane; and

WHEREAS, during the storm and in the aftermath when recovery operations were ongoing, scores of county employees logged more than 25,000 hours in the EOC, and these operations took place 24-hours-a-day; and

WHEREAS, these employees required food and beverages to sustain them through the long hours they worked on behalf of Chesterfield County's residents; and

WHEREAS, Ms. Alyson Smith operates "Alyson's Café" in the basement of the main administration building; and

WHEREAS, Ms. Smith provided meals around the clock for county employees in the EOC, and also prepared food for employees working in the communities; and

WHEREAS, Ms. Smith set up a cot so she could occasionally sleep for brief periods before rising to cook, bake and serve food to those working in the EOC; and

WHEREAS, Ms. Smith served more than 350 breakfasts and 450 lunches or dinners in four intense days, and her support was vital to the success of the mission of those men and women working in the EOC and in the field to cope with the hurricane's effects; and

WHEREAS, such dedication and teamwork are deserving of appropriate public recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield Board of Supervisors, this 12th day of November 2003, publicly recognizes the outstanding contributions of Ms. Alyson Smith to the county's Hurricane Isabel response and recovery efforts, thanks her for her unwavering support, and wishes her continued success in her business enterprise.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Ms. Smith, accompanied by Mr. Ramsey and the other Board members, and expressed appreciation for her tremendous support of county employees following Hurricane Isabel.

7.3. RECOGNIZING COUNTY RESIDENTS FOR THEIR EFFORTS

Ms. Cole provided details of an opportunity for citizens to nominate other citizens, who provided exemplary support during Hurricane Isabel, for recognition by the county. She then introduced Mrs. Mary Bruckner, representing the Bermuda District; Mr. Mike Divita, representing the Clover Hill District; several members of Southside Church of the Nararene, representing the Dale District; Mr. and Mrs. Don Rudd, representing the Matoaca District; and Mr. Paul Watkins, representing the Midlothian District, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Hurricane Isabel struck Chesterfield County and the region on September 18, 2003; and

WHEREAS, this storm was unprecedented in its sheer size and in the amount of destruction it caused; and

WHEREAS, it is estimated that more than 100,000 trees were felled in Chesterfield County by Hurricane Isabel; and

WHEREAS, many roads were closed throughout the county due to these downed trees; and

WHEREAS, most Chesterfield County residents were without electrical power, some for as long as two weeks; and

WHEREAS, throughout these and the many other challenges confronting Chesterfield County residents during the storm and its aftermath, countless residents helped by taking the initiative in clearing roads with their own chainsaws; and

WHEREAS, some residents shared generators, food, water, ice and other necessities with neighbors, friends and even strangers; and

WHEREAS, many businesses donated ice, food, water and other items to the public; and

WHEREAS, people exhibited patience, cooperation and expressed gratitude for assistance that was provided; and

WHEREAS, the extraordinary sense of community and civic-minded teamwork that was exhibited by many of our residents is something of which we all can be very proud.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the exemplary efforts of the many Chesterfield County residents and business owners who selflessly helped others in the aftermath of Hurricane Isabel, commends them for their commitment to serving the community, and extends its appreciation for their outstanding citizenship.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Board members presented executed resolutions to the representatives present, and expressed appreciation for the tremendous support they provided to fellow citizens during the aftermath of Hurricane Isabel.

8. WORK SESSION

O PROPOSED SUBDIVISION CONNECTIVITY POLICY

Mr. Kirk Turner, Development Manager, provided details of the proposed Subdivision Connectivity Policy. He stated the policy is designed to improve public safety response time; reduce travel time and distance between neighborhoods; maintain an acceptable quality of life in residential neighborhoods; and maintain traffic carrying capacity of arterial and collector streets. He further stated the policy sets standards that will require a connection to undeveloped land unless the undeveloped property does not have developable potential; a through street is not required or desired at that location; the street connection would violate the Stub Road Policy; or the connection would provide primary access to property not designated for residential development.

There was brief discussion relative to use of the word "desired" in Section 1.(b) of the proposed policy.

Mr. Turner stated the word "desired" is used to avoid creating traffic cut-through movements through neighborhoods where nuisance levels of traffic would be generated.

Mr. Barber expressed concerns that connecting points have been cut off on many occasions because established neighborhoods did not desire a connection to potential development, resulting in public safety concerns.

Mr. Turner stated the policy requires streets in new subdivisions to connect to all adjacent stub streets unless the connection would create a traffic count that exceeds the Planning Commission's Stub Road Policy. He reviewed instances when connection to a stub street could be waived. He stated the policy will require developers to provide interconnectivity within the limits of large developments, and noted many new subdivisions are already being designed this way. He further stated both the Planning Commission and staff recommend approval of the policy.

Mr. Miller stated the proposed policy would allow new development to connect to existing subdivisions, and expressed concerns relative to citizens who purchased their homes unaware that this could happen. He inquired about the number of work sessions held by the Planning Commission before the policy was recommended to the Board.

Mr. David Hainley, Planning Administrator, stated staff met with the development community at the Planning Commission's request, and no one has spoken either in favor of or opposition to the proposal at the Planning Commission's two work sessions. He noted the existing Subdivision Ordinance prohibits more than 50 lots on a through street without a second public access which should alleviate concerns about allowing uncontrolled new traffic on older existing streets.

Mr. Miller stated he would prefer additional time to study the proposed policy before adopting it.

On motion of Mr. Miller, seconded by Mr. Barber, the Board deferred consideration of the Residential Subdivision Connectivity Policy until December 17, 2003.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Miller stated he would like to meet with Mr. Turner and other staff to discuss the proposed policy.

Mrs. Humphrey requested that staff apply the proposed policy to pending zoning cases in the Matoaca District and provide her with a report.

9. DEFERRED ITEMS

There were no deferred items at this time.

10. NEW BUSINESS

10.A. FY2003 RESULTS OF OPERATIONS

Ms. Dickson presented a summary of FY2003 Results of Operations. She reviewed property taxes over the budget of \$1,118,346, and stated the Budget and Audit Committee is recommending that all property tax revenue over the budget be contributed to fund balance. She stated other revenue over the budget is \$102,908, and total unspent appropriations amounted to \$4,488,898. She reviewed staff's recommendations for schools' use of the undesignated fund balance, including \$100,000 in the FY2004 Operating Fund to address a Comprehensive Services shortfall and a non-recurring expenditure equipment purchase; \$249,922 for non-recurring items in the FY2004 Schools Capital Improvement Fund; and \$456,699 in unspent appropriations for non-recurring items in FY2005.

When asked, Ms. Dickson stated Schools' standard practice is to apply any amount returned to non-recurring items in the next year's budget, rather than to debt service. She then reviewed Mr. Ramsey's recommendations for FY2004 county uses (reduced from the amounts identified at the time the FY2004 budget was adopted), including \$100,000 for police vehicles;

\$100,000 for fire vehicles; \$100,000 for internet management in the Libraries; \$43,000 for psychiatric services in Mental Health/Mental Retardation/Substance Abuse Services; and \$156,000 to address FY2004 Comprehensive Services shortfalls; resulting in \$3,286,185 available for development of the FY2005 budget.

When asked, Ms. Dickson stated the reduced \$43,000 for psychiatric services would provide for contracted services in the second half of FY2004, reducing the waiting period for services, and the additional psychiatric services would be fully funded in FY2005. She further stated staff is recommending that \$156,000 be used to address a potential shortfall in FY2004 Comprehensive Services, and \$3,286,185 be used in FY2005 for non-recurring items. She stated the proposed actions would result in \$37,722,646 remaining in the fund balance, and noted staff is also requesting to modify the terms of the loan to the Health Center Commission.

On motion of Mr. McHale, seconded by Mr. Warren, the Board appropriated \$499,000 in FY2004 for the following county items: \$100,000 for police vehicles; \$100,000 for fire apparatus; \$100,000 for Libraries internet management system; \$43,000 for psychiatric services in Mental Health/Mental Retardation/ Substance Abuse Services (reduced from the amounts identified at the time the FY2004 Budget was adopted); and \$156,000 for use in the Comprehensive Services fund to address a projected year-end shortfall in FY2004.

And, further, the Board designated \$102,908 in all other revenue over the budget and \$3,183,277 in unspent appropriations for non-recurring county items for use in FY2005.

And, further, the Board appropriated \$349,922 in FY2004 for the following school items: \$100,000 to the Schools Operating Fund for Comprehensive Services/non-recurring expenses; and \$249,922 to the Schools Capital Improvement Fund for non-recurring items.

And, further, the Board designated \$456,699 in unspent appropriations for non-recurring school items for use in FY2005.

And, further, the Board modified the repayment terms of a loan to the Health Center Commission; under the revised plan, the Health Center Commission would be required to repay the county the following minimum amounts: \$75,000 by April 1, 2004; \$100,000 by April 1, 2005; and the balance by April 1, 2006.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

10.B. STREETLIGHT COST APPROVALS

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved the following streetlight requests:

* In the Amherst Subdivision

Amherst Ridge Lane, vicinity of 2800
Cost to install streetlight: \$639.19

Amherst Ridge Loop, vicinity of 2702
Cost to install streetlight: \$617.41

Amherst Oak Lane, vicinity of 16736
Cost to install streetlight: \$601.50

* Harrowgate Road and Tarris Lane, northwest corner
Cost to install streetlight: \$202.32

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

10.C. CONSENT ITEMS

10.C.1.a. ADOPTION OF A RESOLUTION RECOGNIZING MR. DAVE ROEVER FOR OUTSTANDING PUBLIC SERVICE

On motion of Mr. McHale, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Mr. Dave Roever was drafted during the Vietnam conflict, and served as a river boat gunner in the U.S. Navy's elite Brown Water Black Beret unit; and

WHEREAS, Mr. Roever was grievously injured when a phosphorous grenade he was prepared to throw exploded in his hand; and

WHEREAS, Mr. Roever was initially not expected to survive, and was hospitalized for 14 months; and

WHEREAS, Mr. Roever subsequently underwent 15 major surgical procedures to treat his injuries; and

WHEREAS, Mr. Roever, like his father before him, has since devoted his life to preaching the Gospel; and

WHEREAS, Mr. Roever brings word of the Gospel to people, especially youths, across the United States, and has developed many programs on behalf of the children of Vietnam, providing food, shelter, clothing, emergency relief supplies, medical supplies and equipment, day care centers, scholarships and other programs in Vietnam; and

WHEREAS, Mr. Roever uses his war experiences to deliver messages of hope; and

WHEREAS, Mr. Roever talks with young people and others about issues such as loneliness, peer pressure, disfigurement and pain; about relationships, drug and alcohol abuse, drinking and driving, teen pregnancy, suicide and low-esteem; and

WHEREAS, Mr. Roever has founded two non-profit organizations and is the author of three books; and

WHEREAS, Mr. Roever is married and has two adult children who also work in full-time ministry, and also four grandchildren; and

WHEREAS, Mr. Roever's life story is one of inspiration and commitment; and

WHEREAS, it is fitting to recognize such courage, dedication and selflessness.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the outstanding public service of Mr. Dave Roever, extends, on behalf of the citizens of Chesterfield County, its appreciation for his sustained and selfless service to others, and wishes him continued success in all his endeavors.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.1.b. RECOGNIZING MR. JOHNNY OATES BY NAMING THE VARSITY BASEBALL FIELD AT L. C. BIRD HIGH SCHOOL IN HIS HONOR

On motion of Mr. McHale, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Mr. Johnny Oates is a resident of the Matoaca District of Chesterfield County; and

WHEREAS, Mr. Oates has spent 34 years as a player, coach and manager in professional baseball, which includes time spent with the Atlanta Braves, the Los Angeles Dodgers, the Philadelphia Phillies, the Baltimore Orioles and the Texas Rangers; and

WHEREAS, upon his retirement from coaching and despite his challenges of ill health, Mr. Oates took an active interest in the baseball program at L.C. Bird High School; and

WHEREAS, in all these endeavors, his strength, demeanor, integrity and good humor in the face of adversity has been an inspiration to all citizens of Chesterfield County; and

WHEREAS, in today's world with all its challenges, it is more important than ever for our young people to have positive role models in their lives; and

WHEREAS, it is especially rewarding and meaningful for the students of Chesterfield County Schools to have such a strong and positive role model who is also a local resident whom they know and with whom they can readily identify; and

WHEREAS, the Chesterfield County School Board at their October 28, 2003 meeting, approved the naming of the L.C. Bird High School Baseball field in Mr. Oates' honor; and

WHEREAS, Chesterfield County acknowledges the accomplishments of Mr. Johnny Oates as a former athlete, coach and as a man of enduring strength, character and faith.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors expresses its appreciation to Mr. Johnny Oates for his excellent representation of Chesterfield County and urges all Chesterfield County residents to honor

his accomplishments, including his fine examples of sportsmanship, citizenship and strength, while visiting the Johnny Oates Varsity Baseball Field at L.C. Bird High School.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.1.c. RECOGNIZING MR. EDDIE N. MOORE, JR., PRESIDENT OF VIRGINIA STATE UNIVERSITY, FOR TEN YEARS OF OUTSTANDING SERVICE

On motion of Mr. McHale, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, on June 1, 1993, Mr. Eddie N. Moore, Jr. assumed the position as the 12th president of Virginia State University (VSU), bringing to the university a wealth of administrative and fiscal management experience gained both in the public and private sectors; and

WHEREAS, the university has enjoyed a period of unprecedented growth amid a student-focused approach to university management; and

WHEREAS, during the Moore years, VSU has also experienced tremendous growth in its financial resources, due in part to strengthened relationships with Chesterfield County and neighboring localities, state and federal officials, as well as enhanced support from business, industry and alumni; and

WHEREAS, private support for scholarships has increased from \$83,000 in 1993 to \$1.6 million; and

WHEREAS, the Moore administration has added five new academic programs at Virginia State University and those programs include Computer Engineering, Computer Science, Criminal Justice, Manufacturing Engineering and Mass Communications; and

WHEREAS, the latest addition to the university's degree program mix is a doctoral degree in Educational Administration and Supervision; and

WHEREAS, the addition of these new programs is a first for the university in more than 20 years; and

WHEREAS, President Moore has shepherded to complete more than \$120 million in capital improvements to the campus, located in Chesterfield County, and with continuing support from the leadership of Chesterfield County, Mr. Lane Ramsey and Mrs. Renny Humphrey and its Board of Supervisors, the university is entering a new and exciting era with the current construction of the University Apartments at Ettrick, a state-of-the-art apartment living complex; and

WHEREAS, the university exceeded its original capital campaign goal of \$10 million and raised \$11.6 million within the decade; and

WHEREAS, with Chesterfield County officials working side by side with President Moore, this campaign increased

endowments or student scholarships, faculty chairs, centers for excellence and capital improvements, and the institution's endowment has grown eightfold, to \$8 million; further proving that the Moore administration has provided continued growth and prosperity for Virginia State University; and

WHEREAS, President Moore has embraced the concept of strengthening relationships with neighboring counties and recognizes the importance of nurturing this partnership with Chesterfield County to enhance the academic offerings at Virginia State University.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes President Eddie N. Moore, Jr., congratulates him on a decade of success at Virginia State, thanks him for his outstanding service, and wishes him and Virginia State University continued success.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.2. APPROVAL OF REVISIONS TO THE FY2004 SCHOOL GRANTS FUND APPROPRIATIONS

On motion of Mr. McHale, seconded by Mr. Warren, the Board decreased the School Grants Fund by \$223,320 in the following appropriation categories: Instruction reduced by \$283,220, and Pupil Transportation increased by \$59,900.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.3. APPROPRIATION OF FEDERAL TITLE IV-E FUNDS AND CREATION OF A NEW POSITION IN THE DEPARTMENT OF SOCIAL SERVICES FOR AN ELIGIBILITY WORKER TO ASSIST LIMITED ENGLISH SPEAKING CITIZENS

On motion of Mr. McHale, seconded by Mr. Warren, the Board appropriated \$24,200 in Federal Title IV-E funds and created a new position for an Eligibility Worker in the Department of Social Services to assist limited English speaking citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.4. STATE ROAD ACCEPTANCE

On motion of Mr. McHale, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Chester Village Green Access Roads**

● **Centre Street, State Route Number: 1513**

From: 0.14 Mi. N of W. Hundred Rd., (Rt. 10)

To: Fountain Square Pz., (Rt. 5618), a distance of: 0.04 miles.

Right-of-way record was filed on 12/3/1998 with the Office Of Clerk To Circuit Court in Db. 3439; Pg. 692,
with a width of Variable

● **Centre Street, State Route Number: 1513**

From: Fountain Square Pz., (Rt. 5618)

To: Fountain Square Wy., (Rt. 5619), a distance of: 0.05 miles.

Right-of-way record was filed on 12/3/1998 with the Office Of Clerk To Circuit Court in Db. 3439; Pg. 692,
with a width of Variable

● **Centre Street, State Route Number: 1513**

From: Fountain Square Wy., (Rt. 5619)

To: Chester Village Dr., (Rt. 5617), a distance of: 0.05 miles.

Right-of-way record was filed on 12/3/1998 with the Office Of Clerk To Circuit Court in Db. 3439; Pg. 692,
with a width of Variable

● **Chester Village Drive, State Route Number: 5617**

From: W. Hundred Rd., (Rt. 10)

To: 0.10 Mi. W. of Hundred Rd., (Rt. 10), a distance of: 0.10 miles.

Right-of-way record was filed on 12/3/1998 with the Office Of Clerk To Circuit Court in Db. 3439; Pg. 692,
with a width of Variable

● **Chester Village Drive, State Route Number: 5617**

From: 0.10 Mi. W. of Hundred Rd., (Rt. 10)

To: Fountain Square Pz., (Rt. 5618), a distance of: 0.05 miles.

Right-of-way record was filed on 12/3/1998 with the Office Of Clerk To Circuit Court in Db. 3439; Pg. 692,
with a width of Variable

● **Chester Village Drive, State Route Number: 5617**

From: Fountain Square Pz., (Rt. 5618)

To: Centre St., (Rt. 1513), a distance of: 0.07 miles.

Right-of-way record was filed on 12/3/1998 with the Office Of Clerk To Circuit Court in Db. 3439; Pg. 692,
with a width of Variable

● **Chester Village Drive, State Route Number: 5617**

From: Centre St., (Rt. 1513)

To: 0.06 Mi. N of Center St., (Rt. 1513), a distance of: 0.06 miles.

Right-of-way record was filed on 12/3/1998 with the Office Of Clerk To Circuit Court in Db. 3439; Pg. 692,
with a width of Variable

● **Fountain Square Plaza, State Route Number: 5618**

From: Centre St., (Rt. 1513)

To: Fountain Square Wy., (Rt. 5619), a distance of: 0.02 miles.

Right-of-way record was filed on 12/3/1998 with the Office Of Clerk To Circuit Court in Db. 3439; Pg. 692,
with a width of Variable

● **Fountain Square Plaza, State Route Number: 5618**

From: Fountain Square Wy., (Rt. 5619)

To: Chester Village Dr., (Rt. 5617), a distance of: 0.04 miles.

Right-of-way record was filed on 12/3/1998 with the Office Of Clerk To Circuit Court in Db. 3439; Pg. 692,
with a width of Variable

● **Fountain Square Way, State Route Number: 5619**

From: Fountain Square Pz., (Rt. 5618)

To: Centre St., (Rt. 1513), a distance of: 0.03 miles.

Right-of-way record was filed on 12/3/1998 with the Office Of Clerk To Circuit Court in Db. 3439; Pg. 692,
with a width of Variable

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Bayhill Pointe, Section 13**

● **Hidden Nest Court, State Route Number: 5596**

From: Hidden Nest Dr., (Rt. 5595)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 9/17/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg. 14,
with a width of 44 Ft.

● **Hidden Nest Drive, State Route Number: 5595**

From: Sugar Hill Dr., (Rt. 5593)

To: Hidden Nest Ct., (Rt. 5596), a distance of: 0.05 miles.

Right-of-way record was filed on 9/17/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg. 14,
with a width of 44 Ft.

● **Hidden Nest Drive, State Route Number: 5595**

From: Hidden Nest Ct., (Rt. 5596)

To: Hidden Nest Dr. [circle] (Rt. 5595), a distance of: 0.03 miles.

Right-of-way record was filed on 9/17/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg. 14,
with a width of 44 Ft.

● **Hidden Nest Drive [circle], State Route Number: 5595**

From: Hidden Nest Dr., (Rt. 5595)

To: Hidden Nest Dr., (Rt. 5595), a distance of: 0.04 miles.

Right-of-way record was filed on 9/17/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg. 14,
with a width of 44 Ft.

● **Hollow Oak Drive, State Route Number: 5597**

From: Battlecreek Dr., (Rt. 5013)

To: Sugar Hill Dr., (Rt. 5593), a distance of: 0.06 miles.

Right-of-way record was filed on 9/17/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg. 14,
with a width of 50 Ft.

● **Hollow Oak Drive, State Route Number: 5597**

From: Sugar Hill Dr., (Rt. 5593)

To: 0.05 Mi. S of Sugar Hill Dr., (Rt. 5593), a distance of: 0.05 miles.

Right-of-way record was filed on 9/17/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg. 14,
with a width of 50 Ft.

● **Sugar Hill Court, State Route Number: 5594**

From: Sugar Hill Dr., (Rt. 5593)

To: 0.03 Mi. N of Sugar Hill Dr., (Rt. 5593), a distance of: 0.03 miles.

Right-of-way record was filed on 9/17/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg. 14,
with a width of 44 Ft.

● **Sugar Hill Drive, State Route Number: 5593**

From: Hollow Oak Dr., (Rt. 5597)

To: Intersection of Sugar Hill Ct., (Rt. 5594) & Hidden Nest Dr., (Rt. 5595), a distance of: 0.09 miles.

Right-of-way record was filed on 9/17/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg. 14,
with a width of 44 Ft.

● **Sugar Hill Drive, State Route Number: 5593**

From: Intersection of Sugar Hill Ct., (Rt. 5594) & Hidden Nest Dr., (Rt.5595)

To: .05 Mi. E of Sugar Hill Ct., (Rt. 5594) & Hidden Nest Dr., (Rt. 5595), a distance of: 0.05 miles.

Right-of-way record was filed on 9/17/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg. 14,
with a width of 44 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Birkdale, Section 15**

● **Spyglass Hill Place, State Route Number: 5607**

From: Spyglass Hill Cr., (Rt. 5279)

To: Spyglass Hill Cr., (Rt. 5279), a distance of: 0.04 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with
a width of 40 Ft.

● **Spyglass Hill Circle, State Route Number: 5279**

From: Spyglass Hill Ct., (Rt. 5606)

To: Spyglass Hill Pl., (Rt. 5607), a distance of: 0.04 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 50 Ft.

● **Spyglass Hill Circle, State Route Number: 5279**

From: Spyglass Hill Pl., (Rt. 5607)

To: Spyglass Hill Pl., (Rt. 5607), a distance of: 0.02 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 50 Ft.

● **Spyglass Hill Circle, State Route Number: 5279**

From: Spyglass Hill Pl., (Rt. 5607)

To: Spyglass Hill Cs., (Rt. 5608), a distance of: 0.10 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 50 Ft.

● **Spyglass Hill Circle, State Route Number: 5279**

From: Spyglass Hill Cs., (Rt. 5608)

To: Stonecreek Club Pl., (Rt. 5610), a distance of: 0.02 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 50 Ft.

● **Spyglass Hill Circle, State Route Number: 5279**

From: Stonecreek Club Pl., (Rt. 5610)

To: Spyglass Hill Cs., (Rt. 5608), a distance of: 0.02 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 50 Ft.

● **Spyglass Hill Circle, State Route Number: 5279**

From: Spyglass Hill Cs., (Rt. 5608)

To: Spyglass Hill Mw., (Rt. 5609), a distance of: 0.06 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 50 Ft.

● **Spyglass Hill Circle, State Route Number: 5279**

From: Spyglass Hill Mw., (Rt. 5609)

To: Spyglass Hill Mw., (Rt. 5609), a distance of: 0.02 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 50 Ft.

● **Spyglass Hill Court, State Route Number: 5606**

From: Spyglass Hill Cr., (Rt. 5279)

To: Spyglass Hill Cr., (Rt. 5279), a distance of: 0.07 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 40 Ft.

● **Spyglass Hill Crescent, State Route Number: 5608**

From: Spyglass Hill Cr., (Rt. 5279)

To: Spyglass Hill Cr., (Rt. 5279), a distance of: 0.05 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 40 Ft.

● **Spyglass Hill Mews, State Route Number: 5609**

From: Spyglass Hill Cr., (Rt. 5279)

To: Spyglass Hill Cr., (Rt. 5279), a distance of: 0.07 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 40 Ft.

● **Stonecreek Club Court, State Route Number: 5611**

From: Stonecreek Club Pl., (Rt. 5610)

To: Stonecreek Club Pl., (Rt. 5610), a distance of: 0.05 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 40 Ft.

● **Stonecreek Club Place, State Route Number: 5610**

From: Spyglass Hill Cr., (Rt. 5279)

To: Stonecreek Club Ct., (Rt. 5611), a distance of: 0.06 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 40 Ft.

● **Stonecreek Club Place, State Route Number: 5610**

From: Stonecreek Club Ct., (Rt. 5611)

To: Stonecreek Club Ct., (Rt. 5611), a distance of: 0.02 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 40 Ft.

● **Stonecreek Club Place, State Route Number: 5610**

From: Stonecreek Club Ct., (Rt. 5611)

To: Cul-de-sac. a distance of: 0.07 miles.

Right-of-way record was filed on 5/29/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg. 1, with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision

Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Cloverhill Estates, Section 1**

● **Ashbrook Parkway, State Route Number: 4202**

From: Ashlake Pky., (Rt. 4200)

To: Hancock Farm Ln., (Rt. 5537), a distance of: 0.28 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 90 Ft.

● **Ashbrook Parkway, State Route Number: 4202**

From: Hancock Farm Ln., (Rt. 5537)

To: Winterpock Rd., (Rt. 621), a distance of: 0.25 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 90 Ft.

● **Clover Ridge Lane, State Route Number: 5544**

From: Hancock Farm Ln., (Rt. 5537)

To: Clover Ridge Pl., (Rt. 5545), a distance of: 0.11 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 45 Ft.

● **Clover Ridge Lane, State Route Number: 5544**

From: Clover Ridge Pl., (Rt. 5545)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 45 Ft.

● **Clover Ridge Place, State Route Number: 5545**

From: Clover Ridge Ln., (Rt. 5544)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 45 Ft.

● **Hancock Farm Lane, State Route Number: 5537**

From: Ashbrook Pky., (Rt. 4202)

To: Hancock Farm Pl., (Rt. 5539), a distance of: 0.04 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 50 Ft.

● **Hancock Farm Lane, State Route Number: 5537**

From: Hancock Farm Pl., (Rt. 5539)

To: Rolling Fields Ln., (Rt. 5540), a distance of: 0.07 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 50 Ft.

● **Hancock Farm Lane, State Route Number: 5537**

From: Rolling Fields Ln., (Rt. 5540)

To: Clover Ridge Ln., (Rt. 5544), a distance of: 0.10 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 50 Ft.

● **Hancock Farm Lane, State Route Number: 5537**

From: Clover Ridge Ln., (Rt. 5544)

To: Summer Gate Ct., (Rt. 5543), a distance of: 0.06 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 50 Ft.

● **Hancock Farm Lane, State Route Number: 5537**

From: Summer Gate Ct., (Rt. 5543)

To: Hancock Ridge Ct., (Rt. 5538), a distance of: 0.09 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 50 Ft.

● **Hancock Farm Lane, State Route Number: 5537**

From: Hancock Ridge Ct., (Rt. 5538)

To: Mount Holly Ln., (Rt. 5542), a distance of: 0.11 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 50 Ft.

● **Hancock Farm Lane, State Route Number: 5537**

From: Mount Holly Ln., (Rt. 5542)

To: Cul-de-sac, a distance of: 0.15 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 50 Ft.

● **Hancock Farm Place, State Route Number: 5539**

From: Hancock Farm Ln., (Rt. 5537)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 45 Ft.

● **Hancock Ridge Court, State Route Number: 5538**

From: Hancock Farm Ln., (Rt. 5537)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 45 Ft.

● **Mount Holly Lane, State Route Number: 5542**

From: Hancock Farm Ln., (Rt. 5537)

To: Rolling Fields Ln., (Rt. 5540), a distance of: 0.13 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 45 Ft.

● **Mount Holly Lane, State Route Number: 5542**

From: Rolling Fields Ln., (Rt. 5540)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 45 Ft.

● **Rolling Fields Lane, State Route Number: 5540**

From: Hancock Farm Ln., (Rt. 5537)

To: Rolling Fields Pl., (Rt. 5541), a distance of: 0.06 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 45 Ft.

● **Rolling Fields Lane, State Route Number: 5540**

From: Rolling Fields Pl., (Rt. 5541)

To: Mount Holly Ln., (Rt. 5542), a distance of: 0.08 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 45 Ft.

● **Rolling Fields Place, State Route Number: 5541**

From: Rolling Fields Ln., (Rt. 5540)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 45 Ft.

● **Summer Gate Court, State Route Number: 5543**

From: Hancock Farm Ln., (Rt. 5537)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 11/29/1999 with the Office Of Clerk To Circuit Court in Pb.108; Pg. 32,
with a width of 45 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **FoxFire, Section 2**

● **Fox Cove Circle, State Route Number: 5613**

From: Fox Light Py., (Rt. 5534)

To: Cul-de-sac, a distance of: 0.32 miles.

Right-of-way record was filed on 9/28/1998 with the Office Of Clerk To Circuit Court in Pb.100; Pg.7, with a width of 40 Ft.

● **Fox Cove Circle, State Route Number: 5613**

From: Fox Light Py., (Rt. 5534)

To: Marsh Light Ln., (Rt. 5612), a distance of: 0.04 miles.

Right-of-way record was filed on 9/28/1998 with the Office Of Clerk To Circuit Court in Pb.100; Pg.7, with a width of 40 Ft.

● **Fox Cove Circle, State Route Number: 5613**

From: Marsh Light Ln., (Rt. 5612)

To: 0.01 Mi. S of Marsh Light Ln., (Rt. 5612), a distance of: 0.01 miles.

Right-of-way record was filed on 9/28/1998 with the Office Of Clerk To Circuit Court in Pb.100; Pg.7, with a width of 40 Ft.

● **Fox Light Parkway, State Route Number: 5534**

From: 0.11 Mi. E of Fox Marsh Dr., (Rt. 5549)

To: Fox Cove Cr., (Rt. 5613), a distance of: 0.04 miles.

Right-of-way record was filed on 9/28/1998 with the Office Of Clerk To Circuit Court in Pb.100; Pg.7, with a width of 50 Ft.

● Marsh Light Lane, State Route Number: 5612

From: Fox Light Py., (Rt. 5534)
To: Fox Cove Cr., (Rt. 5613), a distance of: 0.27 miles.

Right-of-way record was filed on 9/28/1998 with the Office Of Clerk To Circuit Court in Pb.100; Pg.7, with
a width of 50 Ft.

And, further, the Board adopted the following resolution:

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WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

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AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street
Statutory Reference: §33.1-229

Project: FoxFire, Section 3

● Dusk Light Terrace, State Route Number: 5615

From: Fox Light Pky., (Rt. 5534)
To: Cul-de-sac, a distance of: 0.20 miles.

Right-of-way record was filed on 9/3/1999 with the Office Of Clerk To Circuit Court in Pb.106; Pg. 78, with
a width of 40 Ft.

● Moss Light Place, State Route Number: 5614

From: Fox Light Pky., (Rt. 5534)
To: Cul-de-sac, a distance of: 0.14 miles.

Right-of-way record was filed on 9/3/1999 with the Office Of Clerk To Circuit Court in Pb.106; Pg. 78, with
a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **FoxFire, Section 4**

● **Moss Fire Court, State Route Number: 5616**

From: Fox Light Pky., (Rt. 5534)

To: Cul-de-sac, a distance of: 0.12 miles.

Right-of-way record was filed on 9/3/1999 with the Office Of Clerk To Circuit Court in Pb. 106; Pg. 80, with
a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Bransford**

● **Camberly Court, State Route Number: 5622**

From: Old Buckingham Rd., (Rt. 677)

To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 9/6/2001 with the Office Of Clerk To Circuit Court in Pb.120; Pg.45, with
a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Coalbrook at the Grove, Section 3**

● **Coalbrook Drive, State Route Number: 5529**

From: 0.03 Mi. N of Grove Pond Dr., (Rt. 5527)

To: Heth Dr., (Rt. 5530), a distance of: 0.04 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127; Pg. 28,
with a width of 40 Ft.

● **Coalbrook Drive, State Route Number: 5529**

From: Heth Dr., (Rt. 5530)

To: 0.17 Mi. NE of Heth Dr., (Rt. 5530), a distance of: 0.17 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127; Pg. 28,
with a width of 40 Ft.

● **Heth Court, State Route Number: 5578**

From: Heth Dr., (Rt. 5530)

To: Heth Dr., (Rt. 5530), a distance of: 0.05 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127; Pg. 28,
with a width of Variable

● **Heth Drive, State Route Number: 5530**

From: Coalbrook Dr., (Rt. 5529)

To: Heth Ct., (Rt. 5578), a distance of: 0.05 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127; Pg. 28,
with a width of 40 Ft.

● **Heth Drive, State Route Number: 5530**

From: Heth Ct., (Rt. 5578)

To: Heth Ct., (Rt. 5578), a distance of: 0.02 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127; Pg. 28,
with a width of 40 Ft.

● **Heth Drive, State Route Number: 5530**

From: Heth Ct., (Rt. 5578)

To: .01 Mi. E of Heth Ct., (Rt. 5578), a distance of: 0.01 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127; Pg. 28,
with a width of 40 Ft.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

10.C.5. SET DATES FOR PUBLIC HEARINGS

**10.C.5.a. TO CONSIDER A THIRD AMENDMENT TO THE FBO SERVICES
AND LEASE AGREEMENT WITH DOMINION AVIATION
SERVICES, INCORPORATED**

On motion of Mr. McHale, seconded by Mr. Warren, the Board
set the date of December 17, 2003 at 7:00 p.m. to consider a
third amendment to the FBO Services and Lease Agreement with
Dominion Aviation Services, Incorporated.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**10.C.5.b. TO CONSIDER THE CONVEYANCE OF LEASES OF REAL
PROPERTY AT VARIOUS PARK SITES AND ATHLETIC
COMPLEXES FOR OPERATION OF FOOD CONCESSIONS BY
CO-SPONSORED ATHLETIC ASSOCIATIONS AND LEAGUES**

On motion of Mr. McHale, seconded by Mr. Warren, the Board
set the date of December 17, 2003 at 7:00 p.m. to consider

the conveyance of leases of real property for operation of food concessions by co-sponsored athletic associations and leagues at various park sites and athletic complexes.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.5.c. TO AMEND THE ZONING ORDINANCE RELATIVE TO INCREASING FINES FOR VIOLATIONS GOVERNED BY CIVIL PENALTIES

On motion of Mr. McHale, seconded by Mr. Warren, the Board set the date of December 17, 2003 at 7:00 p.m. to consider an amendment to the Zoning Ordinance relative to increasing fines for violations governed by civil penalties.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.5.d. TO CONSIDER THE APPROPRIATION OF FUNDS RECEIVED FROM THE DEPARTMENT OF MEDICAL ASSISTANCE SERVICES AND AUTHORIZATION TO EXECUTE RELATED DOCUMENTS

On motion of Mr. McHale, seconded by Mr. Warren, the Board set the date of November 25, 2003 at 7:00 p.m. for a public hearing to consider an appropriation not to exceed \$12,000,000 from the Department of Medical Assistance Services and authorization for the County Administrator to execute documents and complete the transaction.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.6. ADOPTION OF THE 2004 LEGISLATIVE PROGRAM

On motion of Mr. McHale, seconded by Mr. Warren, the Board adopted the 2004 Legislative Program. (It is noted a copy of the program is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.7. REQUESTS FOR PERMISSION

10.C.7.a. FROM DAVID E. CALL AND PAMELA B. CALL FOR INSTALLATION OF A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON INGE ROAD

On motion of Mr. McHale, seconded by Mr. Warren, the Board approved a request from David E. Call and Pamela B. Call for permission to install a private sewer service within a private easement to serve property at 13322 Inge Road and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.7.b. FROM VIOLET G. PEAKS FOR INSTALLATION OF A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON COLE STREET

On motion of Mr. McHale, seconded by Mr. Warren, the Board approved a request from Violet G. Peaks for permission to install a private water service within a private easement to serve property at 1601 Cole Street and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

10.C.8. ACCEPTANCE OF PARCELS OF LAND

10.C.8.a. ALONG THE WEST RIGHT OF WAY LINE OF TURNER ROAD FROM CD RESTAURANTS, INCORPORATED

On motion of Mr. McHale, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 0.017 acres along the west right of way line of Turner Road from CD Restaurants, Incorporated, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

10.C.8.b. FOR THE RELOCATION OF A PORTION OF MEADOWVILLE ROAD FROM HAROLD G. PETERS LIMITED FAMILY PARTNERSHIP

On motion of Mr. McHale, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 3.686 acres from Harold G. Peters Limited Family Partnership for the relocation of a portion of Meadowville Road, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

10.C.8.c. FOR THE RELOCATION OF A PORTION OF MEADOWVILLE ROAD FROM INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF CHESTERFIELD

On motion of Mr. McHale, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 1.954 acres from the Industrial Development Authority of the County of Chesterfield for the relocation of a portion of Meadowville Road, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

10.C.8.d. FOR THE RELOCATION OF PORTIONS OF MEADOWVILLE ROAD FROM MEADOWVILLE, LLC

On motion Mr. McHale, seconded by Mr. Warren, the Board accepted the conveyance of two parcels of land containing a total of 5.293 acres from Meadowville, LLC for the relocation of portions of Meadowville Road, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.8.e. FOR THE MEADOWVILLE WATER TANK SITE FROM MEADOWVILLE, LLC

On motion of Mr. McHale, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 1.266 acres from Meadowville, LLC for the Meadowville Water Tank Site, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.8.f. ALONG THE NORTH RIGHT OF WAY LINE OF OLD BERMUDA HUNDRED ROAD FROM MILES AND WELLS

On motion of Mr. McHale, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 0.133 acres along the north right of way line of Old Bermuda Hundred Road (State Route 618) from Miles and Wells, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.9. DESIGNATION OF RIGHTS OF WAY

10.C.9.a. FOR HUNTSHIRE DRIVE

On motion of Mr. McHale, seconded by Mr. Warren, the Board designated right of way for Huntshire Drive; rescinded the designation of right of way by resolution of the Board August 23, 2000; and authorized the County Administrator to execute the Declaration. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.9.b. FOR RELOCATION OF A PORTION OF MEADOWVILLE ROAD

On motion of Mr. McHale, seconded by Mr. Warren, the Board designated right of way for relocation of a portion of Meadowville Road, and authorized the County Administrator to execute the Declaration. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.10. APPROVAL OF CONSTRUCTION CONTRACT WITH PERKINSON CONSTRUCTION, L.L.C. FOR ARSENAL DRIVE, DARBY DRIVE, HINSHAW DRIVE AND DARBY CIRCLE SPECIAL TAX AND/OR ASSESSMENT WATER DISTRICT

On motion of Mr. McHale, seconded by Mr. Warren, the Board awarded a construction contract for the Arsenal Drive, Darby Drive, Hinshaw Drive and Darby Circle Special Tax and/or Assessment Water District to Perkinson Construction, L.L.C., in the amount of \$184,216, and authorized the County Administrator to execute any necessary documents.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.11. CONVEYANCE OF EASEMENTS

10.C.11.a. TO COLUMBIA GAS OF VIRGINIA, INCORPORATED FOR THE RELOCATION OF AN EXISTING GAS LINE REQUIRED FOR CONSTRUCTION OF THE NEW BAILEY BRIDGE PUMP STATION

On motion of Mr. McHale, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Columbia Gas of Virginia, Incorporated for the relocation of an existing gas line required for construction of the new Bailey Bridge Pump Station. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.11.b. TO COLUMBIA GAS TRANSMISSION CORPORATION FOR A CATHODIC PROTECTION SYSTEM

On motion of Mr. McHale, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Columbia Gas Transmission Corporation for a cathodic protection system, subject to necessary approvals. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.12. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

10.C.12.a. FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE SCHOOL BOARD TO PURCHASE BAND UNIFORMS FOR MANCHESTER HIGH SCHOOL

On motion of Mr. McHale, seconded by Mr. Warren, the Board transferred \$3,000 from the Matoaca District Improvement Fund to the School Board to purchase band uniforms for Manchester High School.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.12.b. FROM THE CLOVER HILL AND MIDLOTHIAN DISTRICT IMPROVEMENT FUNDS TO THE COUNTY'S COMMUNITY CONTRACTS ACCOUNT FOR THE SENIOR CENTER-FEATHERSTONE

On motion of Mr. McHale, seconded by Mr. Warren, the Board transferred \$3,500 each from the Clover Hill and Midlothian District Improvement Funds (total of \$7,000) to the county's Community Contracts Account for the Senior Center-Featherstone.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.12.c. FROM THE CLOVER HILL DISTRICT IMPROVEMENT FUND TO THE SCHOOL BOARD TO FUND THE CENTER FOR THE HUMANITIES AT MONACAN HIGH SCHOOL

On motion of Mr. McHale, seconded by Mr. Warren, the Board transferred \$2,000 from the Clover Hill District Improvement Fund to the School Board to fund the Center for the Humanities at Monacan High School.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10.C.12.d. FROM THE BERMUDA DISTRICT IMPROVEMENT FUND

10.C.12.d.1. TO THE CHESTERFIELD-COLONIAL HEIGHTS CHRISTMAS MOTHER, INCORPORATED TO PURCHASE FOOD, TOYS AND CLOTHING FOR NEEDY FAMILIES

On motion of Mr. McHale, seconded by Mr. Warren, the Board transferred \$5,000 from the Bermuda District Improvement Fund to the Chesterfield-Colonial Heights Christmas Mother, Incorporated to purchase food, toys and clothing for needy families.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**10.C.12.d.2. TO THE PARKS AND RECREATION DEPARTMENT TO
PURCHASE EQUIPMENT AND LANDSCAPING MATERIALS
FOR THE COUNTY-OWNED "LOWES SOCCER COMPLEX**

On motion of Mr. McHale, seconded by Mr. Warren, the Board transferred \$16,000 from the Bermuda District Improvement Fund to the Parks and Recreation Department to purchase equipment and landscaping materials for the county-owned "Lowes Soccer Complex."

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**10.C.12.d.3. TO HENRICUS FOUNDATION TO PAY FOR BROCHURES AND
AN EDUCATIONAL EXHIBIT AT HENRICUS PARK**

On motion of Mr. McHale, seconded by Mr. Warren, the Board transferred \$5,000 from the Bermuda District Improvement Fund to Henricus Foundation to pay for brochures and an educational exhibit at Henricus Park.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**10.C.12.d.4. TO THE INDUSTRIAL DEVELOPMENT AUTHORITY FOR THE
BENEFIT OF THE FRIENDS OF CHESTERFIELD'S
RIVERFRONT, INCORPORATED 1) TO DEVELOP
EDUCATIONAL PROGRAMS WITH CHESTERFIELD COUNTY
PUBLIC SCHOOLS CONCERNING THE JAMES RIVER
RIVERFRONT AND 2) TO ACQUIRE CONSERVATION AND
GREENWAYS EASEMENTS FOR THE JAMES RIVER
GREENWAY FROM FALLING CREEK TO DUTCH GAP**

On motion of Mr. McHale, seconded by Mr. Warren, the Board transferred \$5,000 from the Bermuda District Improvement Fund to the Industrial Development Authority for the benefit of The Friends of Chesterfield's Riverfront, Incorporated 1) to develop educational programs with Chesterfield County Public Schools concerning the James River Riverfront; and 2) to acquire conservation and greenways easements for the James River Greenway from Falling Creek to Dutch Gap.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.12.d.5. TO THE CHESTERFIELD COUNTY HISTORICAL SOCIETY
TO CONSTRUCT A 1781 SOLDIERS' HUT AT CASTLEWOOD
AND TO PURCHASE EDUCATIONAL EQUIPMENT TO FURTHER
VIRGINIA STANDARDS OF LEARNING ("SOL") ON
REVOLUTIONARY WAR**

On motion of Mr. McHale, seconded by Mr. Warren, the Board transferred \$5,000 from the Bermuda District Improvement Fund to the Chesterfield County Historical Society to construct a 1781 soldiers' hut at Castlewood and to purchase educational equipment to further Virginia Standards of Learning ("SOL") on Revolutionary War.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.12.d.6. TO THE CHESTERFIELD COUNTY LIBRARY TO PROVIDE
LIBRARY MATERIALS TO SUPPORT THE FAMILIES FIRST
INITIATIVE AT THE CHESTER AND ENON LIBRARIES**

On motion of Mr. McHale, seconded by Mr. Warren, the Board transferred \$5,000 from the Bermuda District Improvement Fund to the Chesterfield County Library to provide library materials to support the Families First Initiative at the Chester and Enon Libraries.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

11. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matter or claims at this time.

12. REPORTS

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board accepted the following reports: A report on Developer Water and Sewer Contracts; a report on the status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and Substantial Accord Reports for Horner Park-Clover Hill Sports Complex (Case 03PD0343), Stratton Property/Ferrum College (Case 04PD0126), and Ware Bottom Church Civil War Park (Case 04PD0143).

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

13. DINNER

On motion of Mr. Miller, seconded by Mr. Barber, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Reconvening:

14. INVOCATION

Reverend Martha Jenkins, Vicar of Saint Matthew's Episcopal Church gave the invocation.

**15. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF
AMERICA**

Eagle Scout Benjamin Osterhout led the Pledge of Allegiance to the flag of the United States of America.

16. RESOLUTIONS AND SPECIAL RECOGNITIONS

O RECOGNIZING BOY SCOUTS UPON ATTAINING THE RANK OF EAGLE SCOUT

16.1. BENJAMIN OSTERHOUT, MATOACA DISTRICT

Mr. Hammer introduced Mr. Benjamin Osterhout who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Benjamin August Osterhout, Troop 806, sponsored by Woodlake United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Ben has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 12th day of November 2003, publicly recognizes Mr. Benjamin August Osterhout, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mrs. Humphrey presented the executed resolution and patch to Mr. Osterhout, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Osterhout expressed appreciation to God, his family and friends, church and others for their support.

16.2. NICHOLAS RICHARDS, MATOACA DISTRICT

Mr. Hammer introduced Mr. Nicholas Richards who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Nicholas Christopher Richards, Troop 806, sponsored by Woodlake United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Nick has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 12th day of November 2003, publicly recognizes Mr. Nicholas Christopher Richards, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mrs. Humphrey presented the executed resolution and patch to Mr. Richards, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Richards expressed appreciation to God, his parents and others for their support.

16.3. VINCENT PRINCIPE, MATOACA DISTRICT

Mr. Hammer introduced Mr. Vincent Principe who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Vincent Page Principe, Troop 806, sponsored by Woodlake United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Vinnie has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 12th day of November 2003, publicly recognizes Mr. Vincent Page Principe, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mrs. Humphrey presented the executed resolution and patch to Mr. Principe, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Principe expressed appreciation to the Board for the recognition and also to his parents, God, church and others for their support.

17. PUBLIC HEARINGS

17.A. TO CONSIDER ADOPTION OF A RESOLUTION WHICH AUTHORIZES THE COUNTY ADMINISTRATOR TO SUBMIT AN APPLICATION TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA), DECLARES THE OFFICIAL INTENT OF THE COUNTY TO REIMBURSE ITSELF FROM BOND PROCEEDS, AND AUTHORIZES THE ISSUANCE AND SALE OF GENERAL OBLIGATION SCHOOL BONDS TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY

Ms. Dickson stated this date and time has been advertised for the Board to consider adoption of a resolution authorizing the County Administrator to submit an application to the Virginia Public School Authority (VPSA), declaring the official intent of the county to reimburse itself from bond proceeds, and authorizing the issuance and sale of general

obligation school bonds to the VPSA. She further stated staff is requesting that the Board defer action until after the Planning Commission has acted upon the requests for Substantial Accord Determination for the two new school sites and the conversion of the Clover Hill High School site to a middle school site.

Mr. Miller inquired whether another public hearing would be necessary if the Planning Commission recommended a significantly different proposal.

Mr. Micas stated the bond resolution is written in such a generic way that it could be used for any public school project included within the Capital Improvement Program up to \$116,905,000.

Mr. Warren called for public comment.

Mr. John Ely, a Midlothian District resident, stated he supports the proposal to build two new schools and convert the existing Clover Hill High School into a middle school. He further stated he feels this is an innovative method to build schools and also feels it is a reasonable way to address overcrowding. He expressed concerns that delays could make the projects more costly. He urged the Board to keep the Math and Science Program centrally located in the county.

Ms. Barbara Peake stated she supports the proposal, and would also like to see the Math and Science Program remain in a central location.

There being no one else to speak to the issue, the public hearing was closed.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board deferred consideration of a resolution to authorize the County Administrator to submit an application to the Virginia Public School Authority (VPSA), declare the official intent of the county to reimburse itself from bond proceeds, and authorize the issuance and sale of general obligation school bonds to the VPSA until November 25, 2003.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

17.B. TO CONSIDER REVISIONS TO THE FY2004 SCHOOL CAPITAL IMPROVEMENT FUND APPROPRIATIONS

Ms. Dickson stated this date and time has been advertised for a public hearing for the Board to consider revisions to the FY2004 School Capital Improvement Fund appropriations. She further stated staff is requesting that the Board defer action until after the Planning Commission has acted upon the requests for Substantial Accord Determination for the two new school sites and the conversion of the Clover Hill High School site to a middle school site.

Mr. Warren called for public comment.

No one came forward to speak to the issue.

Mr. Warren closed the public hearing.

On motion of Mr. Warren, seconded by Mr. McHale, the Board deferred consideration of revisions to the FY2004 School Capital Improvement Fund appropriations until November 25, 2003.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

17.C. TO CONSIDER THE RECEIPT AND APPROPRIATION OF GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE

Ms. Dickson stated this date and time has been advertised for the Board to consider the receipt and appropriation of grant funds from the United States Department of Justice.

Mr. Warren called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board approved the receipt and appropriation of \$771,302 in grant funds from the United States Department of Justice for the replacement of a command van for the Fire and Emergency Medical Services (EMS) and Police Departments and a hazardous materials van for the Fire and EMS Department. (It is noted no local match is required from the county.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

17.D. TO CONSIDER ORDINANCE AMENDMENTS RELATING TO EROSION AND SEDIMENT CONTROL

Ms. Joan Salvati, Water Quality Administrator, stated this date and time has been advertised for a public hearing for the Board to consider ordinance amendments relating to erosion and sediment control. She further stated both the Water Quality Ordinance Committee and the Richmond Area Municipal Contractors Association have made recommendations for changes to the ordinance. She stated the County Attorney has advised that the changes need be advertised; therefore, staff is requesting a deferral until December 17, 2003.

When asked, Mr. Micas stated the erosion and sediment control ordinance amendment was not referred to the Planning Commission because it is not a part of the Zoning Ordinance.

Mr. Warren called for public comment.

Mr. David Robinson, James River Soil and Water Conservation District Director-elect, stated he feels the Board should ensure that the amendments are strict enough to address soil conservation issues in the county. He expressed concerns relative to strict enforcement of the existing state laws and county ordinances. He stated he feels the county should create its ordinances as a model for the state, and indicated he supports the deferral and would like to be included in staff's process to revise the proposed ordinance.

Mrs. Humphrey expressed appreciation to Mr. Robinson for taking an active interest in land use decisions in the

county. She requested that he provide the Board with details of his recommendations for changes to the proposed ordinance.

Mr. Tom Pakurar, representing Hands Across the Lake, presented two photographs taken of the Swift Creek Reservoir prior to Hurricane Isabel depicting sediment in the reservoir. He stated he supports the deferral.

No one else came forward to speak to the deferral.

After brief discussion, on motion of Mr. Warren, seconded by Mrs. Humphrey, the Board deferred the public hearing to consider ordinance amendments relating to erosion and sediment control until December 17, 2003.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren expressed appreciation to Mr. Robinson for his comments and encouraged him to attend public hearings related to zoning cases in the Swift Creek Watershed.

17.E. TO CONSIDER AN AMENDMENT TO THE SOUTHERN AND WESTERN AREA PLAN RELATING TO THE MATOACA VILLAGE PLAN TOGETHER WITH RELATED ZONING ORDINANCE AMENDMENTS

Mr. James Bowling, Principal Planner stated this date and time has been advertised for the Board to consider adoption of the Matoaca Village Plan and related ordinance amendments.

Mrs. Humphrey requested that Mr. Bowling meet with Mr. David Robinson regarding the impact of the proposed plan and amendments on the Appomattox Watershed.

Mr. Warren called for public comment.

No one came forward to speak to the issue.

After brief discussion, Mrs. Humphrey made a motion, seconded by Mr. Warren, for the Board to adopt the amendments to the Plan for Chesterfield including the Matoaca Village Plan and related amendments affecting the Thoroughfare Plan, the Southern and Western Area Plan and the Visual Resources Inventory.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board adopted amendments to sections 17-72 and 17-84 of the subdivision ordinance relating to mandatory use of water and sewer affecting areas within the Matoaca Village Plan, the Southern and Western Area Plan and the Ettrick Village Plan, as follows:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTIONS 17-72 AND 17-84 RELATING TO MANDATORY USE OF WATER AND SEWER

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 17-72 and 17-84 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 17-72. Improvements--Required.

o o o

(k) Connection to the county water supply system shall be required in any of the following circumstances except as may be waived by the planning commission per County Code section 18-63:

o o o

(4) When a lot is located within the areas of the Southern and Western Area Plan or Matoaca Village Plan unless residential zoning was obtained for such subdivision prior to June 23, 1993, or;

(5) When a lot is located within the area of the Ettrick Village Plan unless residential zoning was obtained for such subdivision prior to [date of adoption of this ordinance amendment] or;

(6) When a lot is located within the area of the Route 288 Corridor Plan unless residential zoning was obtained for such subdivision prior to May 25, 1999.

o o o

(n) Connection to the county wastewater supply system shall be required in any of the following circumstances except as may be waived by the planning commission per County Code section 18-64:

o o o

(4) When the lot is located within the areas of the Southern and Western Area Plan or Matoaca Village Plan unless residential zoning was obtained prior to June 23, 1993.

(5) When a lot is located within the area of the Ettrick Village Plan unless residential zoning was obtained prior to November 12, 2003 or;

(6) When the lot is located within the area of the Route 288 Corridor Plan unless residential zoning was obtained prior to May 25, 1999.

o o o

Sec. 17-84. Standards for lots and parcels served by onsite sewage disposal systems.

o o o

(c) No subdivision of land within the Southern and Western Area Plan for which residential zoning is obtained after June 23, 1993 may utilize onsite wastewater disposal

systems unless all lots in such subdivision are at least one acre in size and located in those areas designated in the county's comprehensive plan for single-family residential use in the lowest density category. (Areas on the Southern and Western Area Plan suggested for 1 to 5 acre lots suited to R-88 zoning.)

(d) No subdivision of land within the Matoaca Village Plan for which residential zoning is obtained after June 23, 1993 may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size and located in those areas designated in the county's comprehensive plan for single-family residential use in the lowest density category. (Areas on the Matoaca Village Plan suggested for 1 to 5 acre lots suited to R-88 zoning.)

(e) No subdivision of land within the Ettrick Village Plan for which residential zoning is obtained after November 12, 2003 may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size.

(f) No subdivision of land within the Route 288 Corridor Plan for which residential zoning is obtained after May 25, 1999 may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size and located in those areas designated in the county's comprehensive plan for single-family residential use in the lowest density category. (Areas on the Route 288 Corridor Plan suggested for residential (1 dwelling or less per acre).)

o o o

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board adopted the amendments to sections 18-63 and 18-64 of the utility ordinance affecting areas within the Matoaca Village Plan, Southern and Western Area Plan, and the Ettrick Village Plan, as follows:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 18-63 AND 18-64 RELATING TO
MANDATORY USE OF WATER AND SEWER IN AREAS OF THE SOUTHERN
AND WESTERN AREA PLAN, THE MATOACA VILLAGE PLAN AND THE
ETTRICK VILLAGE PLAN

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 18-63 and 18-64 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 18-63. Mandatory water connections in certain areas.

o o o

(b) All structures which are located on property that is included in the Southern and Western Area Plan and Matoaca Village Plan described in the subdivision ordinance and which received zoning approval after June 23, 1993 shall connect to the water system. However, the following structures shall not be required to connect unless connection to the water system is otherwise required by law:

- (1) Temporary manufactured or mobile homes;
- (2) Structures that were authorized by conditional uses or special exceptions which were renewed after June 23, 1993;
- (3) Structures that are authorized by conditional uses or special exceptions that were granted after June 23, 1993 if the use that is permitted by the conditional use or special exception is incidental to a principal use that was previously allowed with a private well;
- (4) Governmental structures and institutional buildings; and
- (5) Residences that are located on lots that are exempt from the requirements of the subdivision ordinance.

(c) All structures which are located on property that is included in the Ettrick Village Plan described in the subdivision ordinance and which received zoning approval after (date of adoption of this ordinance amendment) shall connect to the water system. However, the following structures shall not be required to connect unless connection to the water system is otherwise required by law:

- (1) Temporary manufactured or mobile homes;
- (2) Structures that were authorized by conditional uses or special exceptions which were renewed after (date of adoption of this ordinance amendment)
- (3) Structures that are authorized by conditional uses or special exceptions that were granted after (date of adoption of this ordinance amendment) if the use that is permitted by the conditional use or special exception is incidental to a principal use that was previously allowed with a private well;
- (4) Governmental structures and institutional buildings; and
- (5) Residences that are located on lots that are exempt from the requirements of the subdivision ordinance.

(d) All structures which are located on property that is included in the Route 288 Corridor Plan described in the subdivision ordinance, and which received zoning approval after May 25, 1999 shall connect to the water

system. However, the following structures shall not be required to connect unless connection to the water system is otherwise required by law:

- (1) Temporary manufactured or mobile homes;
- (2) Structures that were authorized by conditional uses or special exceptions which were renewed after May 25, 1999;
- (3) Structures that are authorized by conditional uses or special exceptions that were granted after May 25, 1999 if the use that is permitted by the conditional use or special exception is incidental to a principal use that was previously allowed with a private well;
- (4) Governmental structures and institutional buildings; and
- (5) Residences that are located on lots that are exempt from the requirements of the subdivision ordinance.

(e) For purposes of this section "structure" and "institutional building" shall have the same meaning as in the zoning ordinance.

(f) The planning commission may grant exceptions to subsections (b) and (c) during schematic plan, site plan or tentative subdivision review. The planning commission may also grant exceptions to subsections (b), (c) and (d) to an applicant who files an application with the planning department on a form prescribed by the director of planning and who pays a fee of \$260.00 to the planning department, if the applicant is not subject to the schematic, site plan or subdivision review process. The planning commission shall find that:

- (1) The use of a private well will not adversely affect the ability to extend public water to other property;
- (2) The use of a private well will not encourage future development that is inconsistent with the comprehensive plan; and
- (3) The use of a private well is not reasonably likely to adversely affect the public health, safety or welfare.

The planning commission may impose conditions to mitigate the impact of any exception that it grants.

o o o

Sec. 18-64. Mandatory wastewater connection in certain areas.

(a) All structures which are located on property that is included in the Southern and Western Area Plan and Matoaca Village Plan described in the subdivision ordinance and which received zoning approval after June 23, 1993 shall connect to the wastewater system. However, the following structures shall not be required to connect unless connection to the wastewater system is otherwise required by law:

- (1) Single-family dwellings on lots which are at least 40,000 square feet in size and which are located in areas that are designated in the comprehensive plan for single-family residential use in the lowest density category (areas colored tan on the southern and western area land use plan);
- (2) Temporary manufactured or mobile homes;
- (3) Structures that were authorized by conditional uses or special exceptions which were renewed after June 23, 1993;
- (4) Structures that are authorized by conditional uses or special exceptions that were granted after June 23, 1993 if the use that is permitted by the conditional use or special exception is incidental to a principal use that was previously allowed with a septic system;
- (5) Governmental structures and institutional buildings; and
- (6) Residences that are located on lots that are exempt from the requirements of the subdivision ordinance.

(b) All structures which are located on property that is included in the Ettrick Village Plan described in the subdivision ordinance and which received zoning approval after (date of adoption of this ordinance amendment) shall connect to the wastewater system. However, the following structures shall not be required to connect unless connection to the wastewater system is otherwise required by law:

- (1) Temporary manufactured or mobile homes;
- (2) Structures that were authorized by conditional uses or special exceptions which were renewed after (date of adoption of this ordinance amendment);
- (3) Structures that are authorized by conditional uses or special exceptions that were granted after (date of adoption of this ordinance amendment) if the use that is permitted by the conditional use or special exception is incidental to a principal use that was previously allowed with a septic system;
- (4) Governmental structures and institutional buildings; and
- (5) Residences that are located on lots that are exempt from the requirements of the subdivision ordinance.

(c) All structures which are located on property that is included in the Route 288 Corridor Plan described in the subdivision ordinance, and which received zoning approval after May 25, 1999 shall connect to the wastewater system. However, the following structures shall not be required to connect unless connection to the wastewater system is otherwise required by law:

- (1) Single-family dwellings on lots which are at least 40,000 square feet in size and which are located in areas that are designated in the comprehensive plan

for single-family residential use in the lowest density category (areas colored tan on the Route 288 Corridor Plan).

- (2) Temporary manufactured or mobile homes;
- (3) Structures that were authorized by conditional uses or special exceptions which were renewed after May 25, 1999;
- (4) Structures that are authorized by conditional uses or special exceptions that were granted after May 25, 1999 if the use that is permitted by the conditional use or special exception is incidental to a principal use that was previously allowed with a septic system;
- (5) Governmental structures and institutional buildings; and
- (6) Residences that are located on lots that are exempt from the requirements of the subdivision ordinance.

(d) For purposes of this section, "structure," "single-family dwelling" and "institutional building" shall have the same meaning as in the zoning ordinance.

(e) The planning commission may grant exceptions to subsections (a), (b) and (c) during schematic plan, site plan or tentative subdivision review. The planning commission may also grant exceptions to subsections (a), (b) and (c) to an applicant who files an application with the planning department on a form prescribed by the director of planning and who pays a fee of \$260.00 to the planning department, if the applicant is not subject to the schematic, site plan or subdivision review process. The planning commission shall find that:

- (1) The use of an on-site disposal system will not adversely affect the ability to extend public wastewater sewer to other property;
- (2) The use of an on-site disposal system will not encourage future development that is inconsistent with the comprehensive plan; and
- (3) The use of an on-site disposal septic system is not reasonably likely to adversely affect the public health, safety or welfare.

The planning commission may impose conditions to mitigate the impacts of any exception that it grants.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the amendments to the zoning ordinance relating to the R-C Conservation Subdivision Residential District, as follows:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY ADDING SECTIONS
19-100.1, 19-100.2, 19-100.3, 19-100.4, 19-100.5,
19-100.6, AND 19-100.7 RELATING TO R-C CONSERVATION
SUBDIVISION RESIDENTIAL DISTRICTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-100.1, 19-100.2, 19-100.3, 19-100.4, 19-100.5, 19-100.6, and 19-100.7 of the Code of the County of Chesterfield, 1997, as amended, are added to read as follows:

ARTICLE III. Districts

o o o

DIVISION 10.1. R-C Conservation Subdivision Residential
District

Sec. 19-100.1. Purpose and intent.

The intent of this division is to create varied and healthy neighborhoods through the preservation of environmental, cultural and historical resources by requiring residential subdivisions that preserve rural vistas, historic sites and natural resources in conservation areas within subdivisions.

Sec. 19-100.2. Permitted uses by right.

The following uses shall be permitted by right in the R-C District: Those uses permitted by right in the R-88 District.

Sec. 19-100.3. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-C District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

(a) Uses permitted with restrictions in the R-88 District.

(b) The following uses shall be permitted within the conservation areas required by section 19-100.7(a):

(1) Active recreational facilities primarily serving the surrounding residential community, provided that:

a. A maximum of 10%, but no less than two (2) acres, of the designated conservation areas may be used for community buildings and active recreation facilities (tennis courts, swimming pools, etc.) with accessory parking, as long as such recreational facilities and parking areas are located and designed so as to minimize impacts on rural vistas,

historic sites and/or natural resources.

- b. With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all outdoor playfields, courts, swimming pools and similar active recreational areas shall be located a minimum of 100 feet from any single family residential lot line and a minimum of 50 feet from any public road. Nothing herein shall prevent development of indoor facilities and/or parking within the 100 feet. Within the 100 foot setback, a 50 foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any public road. This buffer shall conform to the requirements of the zoning ordinance for 50 foot buffers.
 - c. Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of 40 feet from all property lines. A 40 foot buffer shall be provided along the perimeter of all such recreational facilities except where adjacent to any public roads. This buffer shall conform to the requirements of the zoning ordinance for fifty (50) foot buffers.
 - d. There shall be no outside public address system or speakers.
- (2) Farming, not including stock or dairy farming, but including all buildings and structures necessary to such uses and the keeping, storage or operation of any vehicle or machinery necessary to such uses, provided that:
- a. Such activities and facilities shall be located a minimum of 75 feet from any single family residential lot line.
 - b. Such activities requiring the operation of tractors, combines, or other internal combustion powered equipment shall be restricted to between the hours of 7:00 a.m. and 9:00 p.m.
- (3) Passive recreational facilities (walking and riding trails, etc.) provided that trails shall be located a minimum of 25 feet from any adjacent property or any single family residential lot line.
- (4) Stock farms, provided that:
- a. Such activities are limited to the keeping of horses.

- b. Pasture areas, barns or stables shall be shall be set back a minimum of 75 feet from any adjacent property or any single family residential lot line and shall be cleaned and made free of waste on a regular basis and shall be maintained in such a way as to control the propagation of insects.

Sec. 19-100.4. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-C District: Those accessory uses, buildings and structures permitted in the R-88 District.

Sec. 19-100.5. Conditional uses.

The following uses may be allowed by conditional use in the R-C District, subject to the provisions of section 19-13: Those conditional uses permitted in the R-88 District.

Sec. 19-100.6. Special exceptions.

The following uses may be allowed as special exceptions in the R-C District, subject to the provisions of section 19-21: Those uses permitted as special exceptions in the R-88 District.

Sec. 19-100.7. Required conditions.

The conditions specified in this section shall be met in the R-C District.

(a) *Conservation areas.* Residential subdivisions shall be designed with a minimum of 50% of the land area, exclusive of collector and arterial roads, in permanent conservation areas. The primary purpose of conservation areas shall be to preserve rural vistas (ponds, pastures, working fields, wood lots, etc.) as viewed from existing and proposed collector and arterial roads, and historic sites, by excluding such areas from lot development. A secondary purpose shall be to preserve and promote natural resources (floodplains and wetlands, land forms such as hills and swales, streams and adjacent natural areas, wildlife habitat, etc.) by also excluding such areas from lot development. Such areas may include facilities for passive recreation (walking and riding trails, etc.). Such areas shall be set aside for the use and enjoyment of all residents of the development and shall be placed in the ownership of, or subject to a recorded easement in favor of, a homeowners association or a non-profit land trust, which can manage the areas for the benefit of the homeowners. Alternatively, such areas may be set aside for the use and enjoyment of the public and placed in the ownership of, or subject to a recorded easement in favor of, the county or a non-profit land trust, which can manage the areas for the benefit of the public.

(b) *Lot area and width.* Each lot shall have an area of not less than 12,000 square feet and a lot width of not less than 90 feet.

(c) *Percentage of lot coverage.* All buildings, including accessory buildings, on any lot shall not cover more than 30 percent of the lot's area.

(d) *Front yard.* Minimum of 35 feet in depth. On lots located along cul-de-sacs, if the radius of the cul-de-sac is 40 feet or less, the building setback around the cul-de-sac shall be at least 30 feet. Where the radius of the cul-de-sac is more than 40 feet, the building setback need not be more than 25 feet. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line. Through the subdivision process, an additional setback of up to 25 feet may be added to the minimum setback, if the lot is located along an arterial or collector street. This additional setback requirement will be noted on the record plat.

(e) *Side yard.* Two side yards, each a minimum of 10 feet in width.

(f) *Corner side yard.* Minimum of 30 feet; except a corner lot back to back with another corner lot shall have a corner side yard not less than 20 feet.

(g) *Rear yard.* Minimum of 25 feet in depth.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board adopted the amendments to the zoning ordinance relating to development standards for the Matoaca Village Core Village Commercial Area, as follows:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 19-600, 19-606, 19-609, 19-611,
AND 19-612 RELATING TO DEVELOPMENT REQUIREMENTS
FOR THE MATOACA VILLAGE CORE VILLAGE COMMERCIAL AREA

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-600, 19-606, 19-609, 19-611, and 19-612 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

ARTICLE VII. DEVELOPMENT STANDARDS MANUAL

o o o

DIVISION 3. DEVELOPMENT REQUIREMENTS - OFFICE, COMMERCIAL
AND INDUSTRIAL

o o o

*Subdivision IV. Development Requirements--Post Development
Areas*

o o o

Sec. 19-600. Areas of applicability and exemptions.

o o o

Subdivision V. Development Requirements - Village District

o o o

Sec. 19-606. Areas of applicability and exemptions.

o o o

- (9) The Matoaca Village Core Village Commercial Area, comprised of that area suggested for village commercial uses in the Matoaca Village Plan.

o o o

Sec. 19-609. Setback requirements for O and C and I Districts.

o o o

(h) *Matoaca Village Core Village Commercial Area*: The minimum setbacks for all buildings, drives, and surface and deck parking areas shall be as follows:

(1) *Setbacks along River Road and Pickett Avenue*:

- a. The minimum setback along River Road and Pickett Avenue for buildings shall be 15 feet from the ultimate right of way with the installation of perimeter landscaping G. The maximum setback shall be 25 feet with landscaping G.
- b. The minimum setback along River Road and Pickett Avenue for drives and parking shall be 25 feet with the installation of perimeter landscaping G provided, however, that no parking or associated driveway shall be any closer to the road than the face of any building along the road.

(2) *Front setbacks*: The minimum front setback along rights-of-way other than River Road and Pickett Avenue for buildings, drives and parking shall be 15 feet with the installation of perimeter landscaping G.

(3) *Corner side setbacks*: The minimum corner side setback along rights-of-way other than River Road and Pickett Avenue for buildings, drives and parking shall be 15 feet with the installation of perimeter landscaping G.

(4) *Side setbacks*:

- (a) Except as noted below, the minimum side setback for buildings shall be seven and one-

half feet with the installation of perimeter landscaping A. When abutting an O or C District, the minimum setback shall be zero feet.

- (b) Except as noted below, the minimum side setback for drives and parking areas, shall be seven and one-half feet with the installation of perimeter landscaping F. When abutting an O or C District, the minimum setback shall be zero feet.

(5) *Rear setbacks:*

- (a) Except as noted below, the minimum rear setback for buildings shall be 25 feet with the installation of perimeter landscaping B. When abutting an O or C District, the minimum setback shall be zero feet.

- (b) Except as noted below, the minimum rear setback for drives and parking areas shall be 25 feet with the installation of perimeter landscaping B. However, the minimum setback may be reduced to seven and one-half feet with the installation of perimeter landscaping F.

- (6) *Setbacks for gasoline pumps or other accessory uses:* Gasoline pumps, canopies and drives serving gasoline pump islands or other accessory uses shall be separated from River Road and Pickett Avenue by a building or buildings served by such facilities.

o o o

Sec. 19-611. Architectural treatment.

o o o

- (b) *Within the Matoaca Village Core Village Commercial Area:*

- (1) New development shall be compatible with the pedestrian scale and historic village character of Matoaca Village. New or altered buildings should be generally consistent in height, scale, massing (shape) and materials with existing structures in the village.

- (2) All new buildings and building additions shall be compatible with late 19th or early 20th Century residential architecture. Design features shall include, but not be limited to, style, articulation, size and location of doors and windows, architectural ornamentation, and use of materials such as brick and/or siding for exterior walls and asphalt shingle, simulated slate and/or standing seam metal for roofs. Nothing in this section shall preclude the use of imitation or artificial materials or elements, so long as such materials and elements are similar in appearance, style, detail and design to the materials used in

late 19th or early 20th Century residential architecture.

- (3) Architectural treatment of all buildings shall be compatible with buildings located within the same block or directly across any road, as determined by the Director of Planning. At locations where the existing buildings do not conform to late 19th or early 20th Century residential architecture, the Director of Planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.
- (4) Buildings adjacent to River Road or Pickett Avenue provide a pedestrian entrance from River Road or Pickett Avenue and shall appear to have a main entrance facing the public right of way. On corner side yards, the building may front either right of way.

(c) *Within all other village districts:*

o o o

Sec. 19-612. Heights, and Building Gross Floor Area.

The maximum height of all buildings within any O, C or I district shall be as specified in this section, except as provided in section 19-507 and 19-507.1.

- (1) Midlothian Village Core, Chester Village Corridor East, Matoaca Village Core Village Commercial Area: No structure shall exceed a height of two and one-half stories or 30 feet, whichever is less. Within the Matoaca Village Core Village Commercial Area, individual buildings shall not exceed 8,000 square feet of gross floor area provided, however, churches and other places of worship, schools, and other public and semi-public facilities such as libraries and fire stations shall not exceed 20,000 square feet of gross floor area.

o o o

- (2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

17.F. TO CONSIDER AN AMENDMENT TO THE ZONING ORDINANCE RELATING TO SIGNS IN COUNTY OWNED ROAD RIGHTS OF WAY

Mr. William Poole, Assistant Director of Planning, stated this date and time has been advertised for a public hearing for the Board to consider an amendment to the Zoning Ordinance relative to signs in county owned road rights of way. He further stated the Planning Commission and staff recommend approval of "Attachment B" which would allow signs

to be placed on county owned rights of way after that right of way has been dedicated to the county, subject to the Board granting a license agreement giving the property owner permission to put the sign on county property, and requiring the owner of the sign to remove it when the road right of way is needed at no cost to the county or state.

When asked, Mr. Poole stated the ordinance would provide more equity to the sign setback requirements.

Mr. Warren called for public comment.

Mr. Tom Winfree, President-elect of the Chesterfield Chamber of Commerce, stated he supports the proposed amendment because it will allow new businesses to compete fairly with existing businesses that already have signs closer to the roadway.

There being no one else to speak to the ordinance amendment, the public hearing was closed.

On motion of Mr. McHale, seconded by Mr. Miller, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 19-636 RELATING TO SIGN
DESIGN AND SETBACK REQUIREMENTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 19-636 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 19-636. Sign design and setback requirements.

(a) With the exception of signs permitted to be placed in the right-of-way pursuant to sections 19-635(f) and 19-636(e), all signs, including directional signs, shall be set back a minimum of 15 feet from all property lines, unless a greater setback is specified by conditions of zoning, approved site or subdivision plans, or by this chapter.

(b) Along public rights-of-way, the setback may be reduced to a minimum of 20 feet from the edge of the pavement or the face of curb, but, except as permitted in section 19-636(e), no sign shall be set back less than one foot from the property line, provided the sign shall be relocated to conform to the requirements herein at the time the adjacent road is widened.

(c) Within any village district, the sign setback shall be five feet from the right-of-way line.

(d) Along roads which have proposed right-of-way expansion, as delineated in the comprehensive plan, if such right-of-way has not been acquired, signs may be located within the proposed right-of-way, provided the sign shall be relocated to conform to the setback requirements upon acquisition of the right-of-way.

(e) Along the following roads where the right-of-way for future expansion, as delineated in the comprehensive plan, has been acquired by the county free and unrestricted, signs for office, commercial, industrial and mixed use projects may be placed within the county owned right-of-way subject to a license approved by the board of supervisors. The license shall require the owner of the sign to relocate the sign to conform to the setback requirements of the zoning ordinance at no cost to the county or state upon request of the county or state.

- (1) Route 60 between the Powhatan County line and Winterfield Road,
- (2) Route 60 between Old Buckingham Road and the Richmond City line,
- (3) Route 360,
- (4) Route 10 between the Richmond City line and Buckingham Street,
- (5) Route 10 between Jefferson Davis Highway and the Hopewell City line,
- (6) Huguenot Road,
- (7) Courthouse Road between Route 60 and Route 360,
- (8) Harrowgate Road,
- (9) Jefferson Davis Highway

(f) Landscaping: Except for new signs within paved areas, existing as of April 25, 2001, grass, live groundcover, shrubs and trees consistent with other plantings shall be provided around each individual permanent freestanding sign. The landscaping required by this section shall be depicted on the site or landscaping plans.

(g) Illumination.

- (1) External lighting shall be limited to white lighting and shall not be blinking, fluctuating or moving. External lighting shall be provided by concealed and/or screened spots or floods and shall be arranged and installed so as not to cause glare in any adjoining R, R-TH, R-MF or A district or public right-of-way. If external lighting is used, the sign shall not be internally illuminated. However, incidental lighting of buildings shall not be considered to be external lighting of signage.
- (2) Internal lighting shall be contained within translucent copy and internally illuminated sign boxes, provided the area illuminated for sign boxes is restricted to the sign face only. The illumination shall not cause glare on any adjoining R, R-TH, R-MF or A district or public right-of-way. If internal illumination is used, external lighting shall not be allowed. However, incidental lighting of buildings shall not be considered to be external lighting of signage.
- (3) School and church signs located in residential or agricultural districts shall not be illuminated between the hours of 10 p.m. and 6 a.m., subject to section 19-500.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**17.G. TO CONSIDER AN AMENDMENT TO THE SUBDIVISION
ORDINANCE RELATING TO LOTS IMPACTED BY WETLANDS,
FLOODPLAINS AND/OR RESOURCE PROTECTION AREAS**

Mr. Jacobson stated this date and time has been advertised for a public hearing for the Board to consider an ordinance amendment relating to lots impacted by wetlands, floodplains and/or resource protection areas.

Mr. Warren called for public comment.

Ms. Diana Parker, representing the Sierra Club, stated she supports the proposed ordinance amendment because it will help to prevent flooding and devastation to residents.

Mr. David Root, representing the Richmond Homebuilding Association, stated he supports the proposed amendment.

There being no one else to speak to the ordinance amendment, the public hearing was closed.

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following ordinance amendment:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 17-83 RELATING TO LOT AND
PARCEL STANDARDS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 17-83 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 17-83. Minimum requirements.

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- (i)(1) All lots that receive tentative approval after November 12, 2003, and which are substantially divided by environmental features such as wetlands, RPA's, or floodplains with a combined drainage basin exceeding fifty (50) acres, shall contain a minimum contiguous area of not less than 9,000 square feet that is:
 - a. exclusive of the environmental features, and
 - b. located adjacent to the required street frontage and between the street frontage and the environmental features.
- (2) For purposes of this subsection, a lot shall not be considered to be substantially divided if an existing natural and continuous

accessway, a minimum of fifteen (15) feet in width, provides access from the front of the lot to any proposed building envelope that is not adjacent to the street frontage.

(3) The requirements of this subsection shall not apply to:

- a. residential townhouse lots,
- b. lots that are permitted by zoning conditions to be less than 9,000 square feet, provided that the lot contains a minimum contiguous area equal to or greater than the minimum lot size required by the zoning conditions, and
- c. lots where:
 - i. the United States Army Corps of Engineers and any state regulatory agency having jurisdiction approves a crossing of the environmental features, and
 - ii. the minimum contiguous area exclusive of the environmental features is not less than 9,000 square feet, and
 - iii. the minimum contiguous area is located on that portion of the lot that is connected by the crossing. The size of drainage structures for any such crossing shall also satisfy the requirements of the Department of Environmental Engineering's Reference Manual.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

17.H TO CONSIDER A ZONING ORDINANCE AMENDMENT TO CHANGE CERTAIN SPECIAL EXCEPTIONS TO CONDITIONAL USES

Mr. Jacobson stated this date and time has been advertised for a public hearing for the Board to consider a zoning ordinance amendment to change certain Special Exceptions to Conditional Uses. He further stated the Planning Commission and staff recommend approval of "Exhibit B," which would continue to allow Special Exceptions for one-chair beauty shops and private kennels. He stated Manufactured Home Permits would be required from the Board of Supervisors versus a Special Exception from the Board of Zoning Appeals for a manufactured home necessitated due to the dwelling unit being uninhabitable by fire or act of God.

Mr. Warren called for public comment.

Ms. Brenda Stewart stated she supports the proposed ordinance amendment. She expressed concerns relative to the wording, "a business operated on a lot or parcel inside or outside of a dwelling unit or accessory building," indicating that she feels the ordinance should specify whether the term "lot or parcel" refers not only to a lot or parcel of record, but also to a zoning lot or parcel. She provided details of a Special Exception granted by the Board of Zoning Appeals where this issue occurred, and staff was unable to enforce the county's ordinance requiring a Conditional Use Permit before allowing the sale of alcohol within 500 feet of a county school built after December 15, 1993.

Mr. Micas stated there was a disagreement between Ms. Stewart and the county about how to enforce restrictions on serving alcohol. He further stated the issue raised by Ms. Stewart today is "a lot or parcel," which is the same it has always been in the zoning ordinance, and staff recommends continuation of the same language because it has been enforced for many years.

When asked, Mr. Micas stated if a person can reconfigure a lot legally by changing lot lines, there are occasions when that person can avoid the obligations of an ordinance.

Mr. Miller stated it is a possibility Ms. Stewart has a valid point.

Mr. Micas stated he will bring back a report and explain to the Board how those circumstances might occur.

There being no one else to speak to the ordinance amendment, the public hearing was closed.

Mr. Miller stated he wants an opportunity to receive an answer to the issue raised by Ms. Stewart.

Mr. Miller then made a motion, seconded by Mr. Warren, for the Board defer consideration of the ordinance amendment to change certain Special Exceptions to Conditional Uses until November 25, 2003.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

17.I. TO CONSIDER A ZONING ORDINANCE AMENDMENT RELATING TO BANNERS FOR NON-PROFIT ORGANIZATIONS

Mr. Jacobson stated this date and time has been advertised for a public hearing for the Board to consider a zoning ordinance amendment relating to banners for non-profit organizations.

Mr. Warren called for public comment.

Mr. Tom Winfree stated he supports the proposed ordinance amendment.

There being no one else to speak to the ordinance amendment, the public hearing was closed.

On motion of Mr. Barber, seconded by Mr. Miller, the Board adopted the following ordinance amendment:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED BY AMENDING
AND RE-ENACTING SECTION 19-638 RELATING TO BANNERS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 19-638 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 19-638. Banners.

Banners do not require sign permits and are allowed so long as:

- (a) The applicant notifies the director of planning in writing at least five business days prior to the installation of a banner of the size, area, proposed location and manner of fastening of the banner and has received approval, with a designated identification number, for the banner. The banner shall have the identification number and the approved date of removal printed on the banner in one and a half inch numbers in the lower right corner. Any banner installed without prior notification to and approval of the director of planning shall be removed immediately upon notification by the planning department and no other banner shall be displayed for 90 days. Banners shall not be attached to trees or shrubs.
- (b) A single banner not to exceed 50 square feet in area may be used to advertise a new business which has not installed it's permanent signs, provided the banner is used for one time period not to exceed 30 consecutive days.
- (c) A single banner not to exceed 50 square feet in area may be used to advertise special events, provided the banner is not used for more than 30 consecutive days. Such banners shall not be displayed more than 60 days total during a calendar year on the same property and each banner must advertise a different event. For tenants in a nonresidential community that have separate exterior customer entrances, each tenant is a separate entity for the purpose of this provision. Tenants in nonresidential communities may erect a freestanding banner in lieu of a building mounted banner so long as no more than two banners are erected for the entire community at the same time for each arterial street front. One additional freestanding banner may be erected for the sole purpose of advertising the onsite activities of nonprofit organizations. Businesses and organizations located outside of a nonresidential community may erect a freestanding banner in lieu of a building mounted banner. Such businesses and

organizations may receive an additional 60 days a year of banner display for the sole purpose of advertising the onsite activities of nonprofit organizations. A nonprofit activity using a vacant site may erect one banner up to ten days prior to the advertised event which shall be removed immediately upon completion of the event.

- (d) Banners solely advertising a business name and/or logo are prohibited.
- (e) The permissible area of a banner may be increased for building mounted banners in accordance with the following:
 - (1) One square foot for each two feet of store frontage in excess of 100 feet, provided that no banner shall exceed 150 square feet in area.
 - (2) One square foot for each 50 feet the store is set back from the nearest public road, provided that no banner shall exceed 150 square feet in area.
 - (3) Banners may be up to 250 square feet in area within village areas when used to advertise community events and displayed across public roads.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

18. ADJOURNMENT

On motion of Mr. McHale, seconded by Mr. Barber, the Board adjourned at 8:00 p.m. until November 25, 2003 at 4:00 p.m.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Lane B. Ramsey
County Administrator

Arthur S. Warren
Chairman